

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

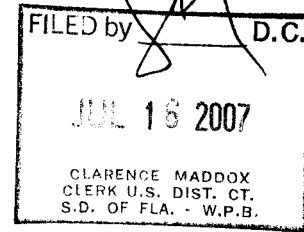
Case No:

07-80107-CR-Hurley/VITUNAC
18 U.S.C. § 4

UNITED STATES OF AMERICA,
Plaintiff,

v.

WILLIAM R. BOOSE, III,
Defendant.



INFORMATION

The United States Attorney charges that:

GENERAL ALLEGATIONS

At all times relevant to this Information:

The County and Local Governments.

1. The Palm Beach County Board of County Commissioners ("BCC") was the legislative and policy-setting body of County government in Palm Beach County, in the Southern District of Florida. Seven Commissioners are elected from single-member districts to staggered four-year terms to represent the entire County.

2. The Martin County Commission ("Martin Commission"), was the legislative and policy-setting body of County government in Martin County, in the Southern District of Florida.

3. At varying times and places in Palm Beach and Martin Counties, the BCC and the Martin Commission held joint meetings concerning recurring issues that affected both counties.

The Restoration of the Everglades and the Loxahatchee River.

4. The South Florida Water Management District (“SFWMD”), is a 16-county regional agency of the State of Florida, charged with managing and protecting water resources of the region by balancing and improving water quality, flood control, natural systems and water supply. SFWMD's boundaries extend from central Florida to Monroe County, and from the Gulf Coast to the Atlantic Ocean, including Lake Okeechobee, the Everglades, the Florida Keys and Florida Bay. SFWMD's boundaries extended to the Loxahatchee River basin in Palm Beach and Martin Counties, and the SFWMD was responsible in part for the preservation and restoration of the water resources of the Everglades and Loxahatchee River as part of its overall environmental mission.

5. Beginning in or around 2000, the United States Congress created the Comprehensive Everglades Restoration Plan (“CERP”). CERP comprised a partnership of the United States Army Corps of Engineers, the SFWMD, and many other federal, state, and local partners which cooperated in the restoration of the Everglades.

6. As a significant part of its overall environmental mission, the SFWMD is funded by the State of Florida and the United States which allowed the SFWMD to purchase land. These land purchases were designed, in part, for the purpose of the restoration of the natural flow of the Everglades and the Loxahatchee River. The SFWMD has created a land acquisition section staffed by attorneys and support personnel in furtherance of its land purchase mission.

7. The SFWMD appeared regularly before the BCC, made presentations, sought land use changes, alterations and easements, and provided information critical to the citizenry. The SFWMD maintained a fully-staffed office and headquarters in West Palm Beach, Palm Beach County, Florida.

8. The SFWMD has a Governing Board, comprised of nine individuals separately appointed by the governor, and whose vote was required on all land acquisitions and expenditures of public funds. The Board also appointed an executive director who supervised the day-to-day operations of the SFWMD, including its land acquisition section.

9. In or about 1989, the State of Florida created the Florida Communities Trust ("FCT") to help local governments meet the need to preserve green space and natural areas throughout the State of Florida. As part of its mission, the FCT was funded to purchase real estate in areas designated as environmentally sensitive.

10. In or about 1999, the Florida Legislature created the Florida Forever program which authorized borrowing money through bond issues, in an amount not to exceed \$3 billion over a 10-year period, for the acquisition of land and water which money was provided to the FCT to use in acquiring land and water resources for preservation purposes. At various times, the FCT has used money generated from the Florida Forever program in connection with state and local government land purchases related to the CERP.

11. Both the BCC and Martin Commission were also allocated funds from state and federal sources for the purpose of purchasing environmentally sensitive land. In Martin County, the source of those funds came through the Healthy Rivers Fund.

12. Due to the joint desire and mission of these agencies and governments to preserve environmentally sensitive land, especially lands in the Everglades and near the Loxahatchee River flowing through Palm Beach and Martin Counties, they often became partners in land acquisitions and joined resources to purchase large tracts of environmentally-sensitive land.

13. Cypress Creek was a critical element in the multi-agency effort, which included the SFWMD, Palm Beach County, and Martin County to increase freshwater flow to the Northwest Fork of the Loxahatchee River as it flowed through each of those counties. The Cypress Creek watershed included both developed and undeveloped parcels of real property in both Palm Beach and Martin Counties. One particular parcel of land within the Cypress Creek watershed was an approximate 3,500 acre undeveloped parcel variously known as Pal-Mar East, Nine Gems, Bridge Property, and NineJem ("hereinafter Nine Gems"), which parcel was situated wholly within Martin County in the Southern District of Florida. This parcel was within the CERP-designated area as desirable land to purchase in furtherance of the Everglades and Loxahatchee River restoration mission.

Relevant Persons.

14. In or around November 1998, and again in or around November 2002, Anthony R. Masilotti was elected to separate four-year terms as a Palm Beach County Commissioner for District 6 which District covered the western portions of Palm Beach County, including Wellington and Royal Palm Beach.

15. On or about November 6, 1998, and again on or about November 7, 2002, Anthony R. Masilotti took and executed an oath of office swearing to uphold the Constitutions and Governments of the United States of America and State of Florida.

16. As a sworn public official, Anthony R. Masilotti had a legal and ethical responsibility to perform his duties free from fraud, self-enrichment and self-dealing.

17. On or about July 16, 2003, Anthony R. Masilotti used his public position to advocate for the purchase of the Nine Gems tract at a joint BCC and Martin Commission hearing without disclosing his financial interest in the Nine Gems tract.

18. On or about August 21, 2003, Anthony R. Masilotti attended a meeting of SFWMD officials and again advocated for the purchase of the Nine Gems tract by the SFWMD without disclosing his financial interest in the Nine Gems tract.

19. J.L. and D.L., persons known to the United States Attorney, were the owners of Black Diamond Nursery and subsequently bought the Nine Gems tract, sold a portion to Anthony R. Masilotti through a secret land trust ("the Crum Trust"), and thereafter sold the Nine Gems tract to the SFWMD.

20. H.E.O., a person known to the United States Attorney, was an attorney licensed to practice law in the State of Florida and was a partner in the law firm Gunster, Yoakley & Stewart, P.A. ("Gunster, Yoakley"), located in West Palm Beach and Stuart, Florida. H.E.O. specialized in the handling of real estate transactions and related matters. H.E.O. represented J.L. and D.L. in the Nine Gems purchase and sales transactions.

21. Defendant WILLIAM R. BOOSE, III, was an attorney licensed to practice law in the State of Florida and was a named partner in the law firm Boose, Casey, Ciklin, Lubitz, Martens, McBane & O'Connell ("Boose law firm"), located in West Palm Beach, Florida. Defendant BOOSE specialized in land use and zoning laws and regularly appeared before the BCC seeking approval of land use, zoning and other real estate-related matters on behalf of his clients.

22. Boose's law firm also served as bond counsel for the BCC and received compensation from Palm Beach County for their work in that area.

23. On or about October 22, 2004, the SFWMD sent money to J.L. and D.L.'s-retained law firm through an interstate wire transfer in connection with a Nine Gems real estate closing.

24. On or about April 11, 2005, Anthony R. Masilotti was paid \$1.7 million for the sale of 110 acres of his holdings within the Nine Gems tract through a wire transfer from the Boose law firm. Thereafter, Masilotti retained ownership of 40 acres of land within the Nine Gems tract.

Count One
(Misprision of a Felony, (18 U.S.C. § 4))

25. The United States Attorney re-alleges and incorporates herein by reference the General Allegations Section of this Information.

26. Between in or around August 2002 and in or around October 2006, the exact dates being unknown to the United States Attorney, at West Palm Beach, Palm Beach County, in the Southern District of Florida, the defendant,

WILLIAM R. BOOSE, III,

having knowledge of the actual commission of a felony cognizable by a court of the United States, that is, honest services wire fraud committed by Palm Beach County Commissioner Anthony R. Masilotti through Masilotti's intentional and knowing concealment of a beneficial interest in the Nine Gems parcel while publicly advocating the purchase of said property and without disclosing Masilotti's personal financial interest therein, in violation of Title 18, United States Code, Sections 1343, and 1346, did not as soon as possible make known the same to any judge or other person in civil authority under the United States and did conceal the same by, among other things, not informing Federal Bureau of Investigation Special Agent Joseph G. Sconzo of the following true facts when questioned:

27. Anthony R. Masilotti's relationship to the Nine Gems land transactions was hidden through the use of "straw client" S.L.M., Anthony R. Masilotti's then-wife.

28. Defendant WILLIAM R. BOOSE, III knew that by creating a Florida Land Trust he would assist Anthony R. Masilotti and others in concealing from all persons and entities Anthony R. Masilotti's true ownership and financial interest in a 150-acre tract within the larger Nine Gems parcel. Defendant BOOSE utilized Richard L. Crum, a Boose law firm employee as Trustee, ("the Crum Trust").

29. In or around November 2003, defendant WILLIAM R. BOOSE, III agreed with Anthony R. Masilotti to not execute a beneficial interest affidavit forwarded to defendant BOOSE by H.E.O. which affidavit was required by the SFWMD for its December 2003 vote. The refusal to execute this affidavit served to further hide and conceal Anthony R. Masilotti's financial interest in the Nine Gems tract being sold to the SFWMD.

30. In or around March 2004, defendant WILLIAM R. BOOSE, III conferred with H.E.O., J.L., D.L., and others about the necessity to implement a land exchange between Masilotti and J.L. and D.L., whereby the SFWMD would remain ignorant concerning Anthony R. Masilotti's concealed financial interest in the Nine Gems parcel. This land swap resulted in J.L. and D.L. purchasing the Crum Trust property slated to be sold to the SFWMD and exchanged it for approximately 150 acres of J.L. and D.L.-retained road frontage to the north of the Crum Trust property.

31. Defendant WILLIAM R. BOOSE, III, assisted Anthony R. Masilotti and others in conducting a land swap between Anthony R. Masilotti and J.L. and D.L. which swap further concealed Anthony R. Masilotti's true financial interest in the Nine Gems parcel.

32. In or around March 2004, defendant WILLIAM R. BOOSE, III, together with Anthony R. Masilotti, H.E.O. J.L., D.L., and others participated in a telephone conference call during

which Anthony R. Masilotti threatened to use his position to obstruct the SFWMD transaction if J.L. and D.L. did not agree to the proposed land swap and pay the \$50,000 in closing costs necessary to effect this swap. Defendant BOOSE, Anthony R. Masilotti, and others agreed during the call that J.L. and D.L. would be given an option to purchase back 110 acres of the land they were swapping with Anthony R. Masilotti.

33. As part of this land swap, Anthony R. Masilotti insisted that he be allowed to pick any of the remaining 40 acres he wished to select on the SR 711 roadway. Subsequently, on or about October 27, 2004, Anthony R. Masilotti called representatives of the Boose law firm and threatened to cause problems in future SFWMD closings on the Nine Gem parcel if he was prevented from choosing the 40 acres he wanted to keep as a result of the previous land swap.

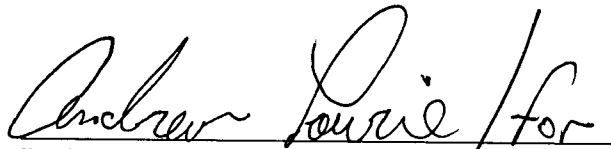
34. Defendant WILLIAM R. BOOSE, III provided services for a nominal fee, which services included the concealment of Anthony R. Masilotti's hidden financial interest in the Nine Gems parcel. During this time period, defendant BOOSE received Anthony R. Masilotti's public votes for various land use, zoning and bond awards sought by defendant BOOSE before the BCC.


35. Defendant WILLIAM R. BOOSE, III along with Anthony R. Masilotti concealed the benefits Boose provided to Masilotti from the public while Defendant BOOSE appeared before the BCC and sought and received favorable consideration from Anthony R. Masilotti and the BCC.

36. In or around May 2006, defendant WILLIAM R. BOOSE, III knowingly and materially altered, and caused to be materially altered, certain notations, notes and a billing sheet in connection with the Boose law firm's files concerning the Nine Gems transactions, which alterations concealed from all persons, including federal law enforcement, Anthony R. Masilotti's financial interest in the Nine Gems transactions.

37. On or about October 12, 2006, in addition to the omissions set forth above, defendant WILLIAM R. BOOSE, III intentionally mislead, and made material false statements to, Special Agents of the Federal Bureau of Investigation and the Internal Revenue Service when questioned about his knowledge of Anthony R. Masilotti's involvement in the Nine Gems transactions.

All in violation of Title 18, United States Code, Section 4.


R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY


JOHN S. KASTRENAKES
ASSISTANT UNITED STATES ATTORNEY


STEPHEN CARLTON
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO.

07-80107-Cr-Henley/VITUMAC

vs.

CERTIFICATE OF TRIAL ATTORNEY*

WILLIAM R. BOOSE, III,

Superseding Case Information:

Court Division: (Select One)

☐ Miami ☐ Key West
☐ FTL ☒ WPB ☐ FTP

New Defendant(s) Yes ☐ No ☐
 Number of New Defendants _____
 Total number of counts _____

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

- Interpreter: (Yes or No) No

List language and/or dialect _____

- This case will take 15 days for the parties to try.

- Please check appropriate category and type of offense listed below:
 (Check only one) (Check only one)

I	0 to 5 days	_____	Petty	_____
II	6 to 10 days	_____	Minor	_____
III	11 to 20 days	<u>X</u>	Misdem.	_____
IV	21 to 60 days	_____	Felony	<u>X</u>
V	61 days and over	_____		

- Has this case been previously filed in this District Court? (Yes or No) Yes

If yes:

Judge: Ryskamp Case No. 06-80160-Cr-KI R

(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) No


If yes:

Magistrate Case No. N/ARelated Miscellaneous numbers: 06-80158-Cr-Ryskamp (dismissed without prejudice)Defendant(s) in federal custody as of N/ADefendant(s) in state custody as of N/A

Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) No

- Does this case originate from a matter pending in the U.S. Attorney's Office prior to April 1, 2003? Yes X No
- Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? Yes X No
If yes, was it pending in the Central Region? Yes No
- Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes X No
- Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? Yes X No


 ASSISTANT UNITED STATES ATTORNEY
 Florida Bar No. 312827

Penalty Sheet(s) attached

REV.1/14/04

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: WILLIAM R. BOOSE, III,

Case No: 07-80107-CR-Hunter / VITUNAC

Count #: 1

Misprision of a Felony

18 U.S.C. § 4

*** Max. Penalty:** 3 Years' Imprisonment, \$250,000 Fine

Count #:

***Max. Penalty:**

Count #:

***Max. Penalty:**

Count #:

***Max. Penalty:**

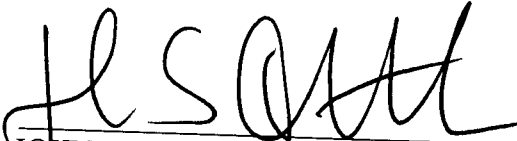
***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

BOND RECOMMENDATION

WILLIAM R. BOOSE III

Defendant.

Personal Surety Bond of \$200,000 is recommended as to defendant.



JOHN S. KASTRENAKES
ASSISTANT UNITED STATES ATTORNEY